

# ABRAMS FENSTERMAN

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January 19, 2021

Hon. Kiyo A. Matsumoto  
United States District Judge  
Room S905  
225 Cadman Plaza East  
Brooklyn, New York 11201

RE: Maslow et. al. v. Cuomo et.al.  
(05934-cv-2020) (KAM) (VMS)

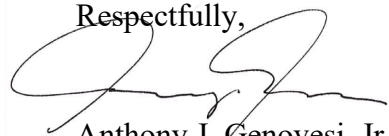
Dear Judge Matsumoto:

This letter is in response to the Letter of No Position filed by the New York State Board of Elections in the above-referenced action.

Plaintiffs have considered Your Honor's recent decision and order as well as the Board of Elections January 11, 2021 correspondence. My clients remain interested in challenging the constitutionality of New York Election Law §§ 2-112 and 2-118, not as applied or having any connection to the state court proceedings. Rather, plaintiffs would like to pursue a facial challenge to the constitutionality of the state statutes and would like to amend their pleadings to remove any references to the state court proceeding.

To this end, plaintiffs are in the process of requesting consent of the Board of Elections to file a Second Amended Complaint. In the alternative plaintiffs will make application for leave to amend to Magistrate Judge Scanlon pursuant to Rule 15(a)(2).

Respectfully,



Anthony J. Genovesi, Jr.  
For the Firm

Hon. Kiyo A. Matsumoto

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cc:

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